

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION**

**CRIMINAL MINUTES – JURY TRIAL  
Day 18**

**Case No.: 4:18CR00011-001**

**Date: 11/12/2019**

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**Defendant: Marcus J. Davis, custody**

**Counsel: Tony Anderson, Bev Davis,  
Melissa Friedman - CJA**

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PRESENT: JUDGE: Michael F. Urbanski, CUSDJ  
TIME IN COURT: 8:59-9:02; 11:33-11:48; 2:34-2:44; 3:00-3:18; 3:37-3:50;  
4:02-4:09 1h 6m  
Deputy Clerk: Kristin Ayersman  
Court Reporter: Judy Webb  
U. S. Attorney: Heather Carlton, Ron Huber, Rachel Swartz  
USPO: none  
Case Agent: Devin Taylor, FBI TFO  
Interpreter: none

**LIST OF WITNESSES**

GOVERNMENT	DEFENDANT
1.	1.

**PROCEEDINGS:**



Jury returns to courtroom 9:01 for instruction and retires to deliberate at 9:02. Jury question #2 passed out at 11:29, reconvene 11:33. Court addresses note with parties. US responds. Dft responds. Court finalizes response to question. Jury returns 11:45. Court addresses jurors. Jury returns to deliberate 11:48. Jury question #3 passed out at 2pm, Court gives parties time to review and respond. Reconvene 2:34. Court addresses parties re communication. US did notice verbiage but did not object at the time, suggests response. Dft responds. Recess 2:44. Reconvene 3:00. Court asks if any more argument – US responds. Dft responds. Court addresses parties – will give additional instruction re transfer of intent. Court will ask jury to clarify question that they are asking. Jury returns 3:08. Court address specific question; foreperson explains. Jury returns to deliberation 3:10. US appellate division sent US counsel email re case

law/transfer of intent, and will share with counsel – reads into record. Court gives parties an instruction to review – court will give transfer of intent instruction. Court will recess until 3:30 to allow parties to review case law, juror question. No obj to procedure outlined; dft obj to additional instruction. Recess 3:18 Reconvene 3:37. Court addresses objections to instruction court sent out. US responds; proposes wording. Dft responds. Court states the instruction it will give to jury re transferred intent; notes objection from dft to additional instruction and no obj from US. Jury returns 3:48, court gives additional instruction to jury. Jury excused to continue deliberation 3:50. Jury question #4 passed out 3:59 – verdict ready. Jury returns 4:02.



Jury returns at 4:02.



Jury Verdict: guilty Cts 1, 11, 12, 13.



Jury polled.



Polling waived.



Mistrial declared.



Jury discharged.



Motions after verdict – Dft asks for 14 days to file renewed Rule 29 motion.



Sentencing set for \_\_\_\_\_.



Sentencing to be set by Clerk.



Court orders Presentence Report.



Defendant remanded to custody.



Defendant to remain on bond.

Additional Information:

Court adjourned 4:09